

REMARKS

An extraneous word in claim 15 has been cancelled. Otherwise the claims have not been changed, and it is respectfully submitted that all pending claims should be allowed.

The IDS as filed in March 4, 2004 is listed on the cover page of the Office Action under the heading "other" and has not been initialed in the IFW. No reason for failing to consider that IDS is indicated in the Office Action. Clarification is respectfully requested.

Applicants confirm the oral election of Group I containing claims 1 and 11-21 with traverse.

The restriction requirement has been justified on the grounds that the process can proceed under different conditions, "such as with or without catalyst, in solution or in bulk, with chemical or thermal imidization, etc." This justification is not valid because the initial claim in the set of withdrawn claims encompasses all of these alternatives.

The restriction requirement has been further justified on the grounds that one or more of four reasons apply but without indicating which, if any, are applicable. Nevertheless, it is respectfully submitted that none of those possibilities are applicable. Claim 1 states that the dispersant is a reaction product of polyisobutylene amine with 1,2,4-benzenetricarboxylic anhydride. The method involves reacting those two materials to form the reaction product. Any search would, therefore, require that the exact same classes and subclasses be considered.

Withdrawal of the restriction requirement is respectfully solicited.

Claims 15 and 16 were rejected under 35 U.S.C. 112 as being indefinite because they allegedly contain trademarks or trade names. Nothing in either of those claims constitutes a trademark or trade name. BONA is a shorthand well known in the art to refer to 2-hydroxy-3-naphthoic acid, and the designations Red 49, etc, are the approved Color Index names for the particular pigments. Accordingly, the claims are not indefinite.

The examined claims were rejected under 35 U.S.C. 103 over Winter (incorrectly designated "Waters et al" in the Office Action) in combination with Waters et al. This rejection is respectfully traversed.

Winter relates to phthalic acid imides which are used as synergist for improving the properties of aqueous pigment preparations. The imides are those compounds of formula I. As the title makes clear and the working example show, the imides are synergists for other ingredients in the dispersions, such as dispersants. There is no indication in this reference that the imide is itself a dispersant.

The Winter imides are the reaction product of a cyclic anhydride and a fatty amine. Column 2, lines 44-48. The dispersant of the present invention, however, is a reaction product of a polyisobutylene amine with 1,2,4-benzinetricarboxylic anhydride. There is no mention of either of these reactants in the Winter reference. Polyisobutylene amine is not a fatty acid amine.

The Office Action acknowledges that a reaction product of "polyisobutylene" and 1,2,4-benzenetricarboxylic anhydride is not taught in this reference but makes the assertion that polyisobutylene "oligomer" is used in the application (ignoring the fact that

the application uses polyisobutylene amine) which is "comparable" with a "C30 alkylene chain" (disclosed at some unidentified location in Winter), leading to the conclusion that these entities are "homologs" and "structural analogs". Even ignoring the mischaracterization of the invention, no factual basis for these assertions has been set forth and the word "comparable" is so nebulous that it can even refer to the fact that both chains contain carbon.

Winter provides no *prima facie* basis for contending anything claimed in this application is obvious.

The Waters reference has been cited to disclose a polymeric dispersant comprising the reaction product of a "diamine amine" (sic) or polyamine with 1,2,4-benzenetricarboxylic anhydride, "which is used for the same purposes." What the phrase "which is used for the same purposes" was intended to connote cannot be discerned. In any event, Waters relates into a non-formaldehyde thermoset fluorescent pigment comprising a polymer matrix and a fluorescent dye. There is no teaching or suggestion in this reference of a dispersant. There is no teaching or suggestion in this reference of reacting polyisobutylene amine with 1,2,4-benzenetricarboxylic anhydride.

Since neither of the references teach or suggest reacting polyisobutylene amine with 1,2,4-benzenetricarboxylic anhydride for any purpose, much less to realize a polymeric dispersant, no *prima facie* basis for rejection exists. The other assertions in the Office Action, therefore, need not be addressed. All claims are patentable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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